

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SUSAN M. FOX,

Plaintiff,

Case No. 1:07-CV-956

v.

Hon. Robert J. Jonker

TRAVERSE CITY AREA PUBLIC
SCHOOLS BOARD OF EDUCATION,
et al,

Defendants.

ORDER GRANTING MOTIONS TO EXTEND DEADLINES

Pending before the court are two motions. Plaintiff has filed a Motion to Extend Discovery Deadlines (docket no. 53), and defendants have filed a Motion for Continuance of Trial and Leave to File Motion for Summary Judgment (docket no. 59).

The complaint in this matter was filed September 26, 2007. A Case Management Order entered on November 29, 2007 gave the parties seven months for discovery, which was to be concluded by June 30, 2008.

It appears plaintiff did not undertake any formal discovery in this matter until approximately 5 1/2 months after the CMO was entered. Plaintiff provides no explanation in her motion for this delay. Approximately six weeks prior to the discovery deadline, on May 17, 2008, plaintiff's counsel requested an extension of time and a stipulated order was entered extending the

discovery deadline through August 31, 2008. Order dated June 6, 2008. The dispositive motion cutoff date was extended from July 31, 2008 to September 19, 2008. *Id.*

A discovery dispute between the parties resulted in a motion to compel being filed by plaintiff in mid-July 2008. The motion was briefed and ultimately resolved at a hearing on August 27, 2008. At that hearing, it was understood that additional time would be necessary to take a particular deposition which the court had just allowed. Since this is a case involving school personnel who were particularly busy in September, the court adopted defendants' suggestion that the deposition be completed by the middle of October. Unfortunately, it appears this could not be accomplished due to defendants' oversight in failing to provide plaintiff with a particular file prior to the deposition. The deposition was continued but the parties were unable to schedule it until December 10, 2008. The court is unaware of whether plaintiff or defendants have conducted any other discovery during this period.

In addition to failing to explain why she was dilatory in commencing discovery, plaintiff has also failed to state what additional discovery is now required.¹ Any continuation of discovery at this stage would necessitate changing future deadlines in this case, including the trial date. However, the court will give plaintiff the benefit of the doubt without requiring yet another hearing. Defendants' recent motion for a continuance in which to file a dispositive motion would, if granted, necessitate a rescheduling of future deadlines in any event. Since it appears from defendants' representation that defendants could not file a motion for summary judgment until

¹Since the motion to compel was heard in August, the court has considered two separate motions by plaintiff to amend her complaint. These motions were denied, except that plaintiff was allowed to drop two of her claims. Thus, no further discovery was required because of these motions.

plaintiff had had the opportunity to depose a key witness, and that the parties were unable to accomplish this until December 10, 2008, defendants' motion is well taken. For the reasons discussed, the court finds good cause to amend the Case Management Order without further briefing or argument in this matter. Both motions (nos. 53 and 59) are GRANTED as follows:

1. All discovery shall be completed not later than **January 31, 2009**.
2. All dispositive motions shall be filed not later than **February 15, 2009**.
3. The Settlement Conference scheduled for January 5, 2009 at 9:00 a.m. is RESCHEDULED to **June 23, 2009 at 2:00 p.m.** before Judge Brenneman.
4. The Final Pretrial Conference previously scheduled for January 5, 2009 at 2:00 p.m. is RESCHEDULED to **July 6, 2009 at 10:00 a.m.** before Judge Jonker.
5. Jury Selection and Trial, previously scheduled to commence January 13, 2009, is RESCHEDULED to **July 28, 2009 at 8:30 a.m.** The parties shall prepare for trial as outlined in the court's Case Management Order of November 29, 2007.

IT IS SO ORDERED.

Dated: December 18, 2008

/s/ Hugh W. Brenneman, Jr.
HUGH W. BRENNEMAN, JR.
United States Magistrate Judge